

MONTANA LEGISLATIVE HISTORY

Chapter 148 19 99

Bill H _____ S 127

Original bill & history ☒ c

H. Committee on Business

S. Committee on Taxation

Hearing Date(s) 3-9 ☒ c

Hearing Date(s) 1-13 ☒ c

_____ c

_____ c

_____ c

_____ c

_____ c

_____ c

Date Out 3-15 c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

HISTORY AND FINAL STATUS 1999

12/23	Introduced		
1/04	1st Reading		
1/04	Referred to Business and Industry		
1/04	Fiscal Note Requested		
1/11	Fiscal Note Received		
1/11	Fiscal Note Signed		
1/12	Fiscal Note Printed		
1/14	Hearing		
2/09	Hearing		
2/12	Committee Executive Action--Bill Passed as Amended	6	1
2/13	Committee Report--Bill Passed as Amended		
2/16	2nd Reading Passed	48	0
2/17	3rd Reading Passed	44	3

Transmitted to House			
2/18	Referred to Business and Labor		
3/11	Hearing		
3/22	Committee Executive Action--Bill Concurred as Amended	17	1
3/23	Committee Report--Bill Concurred as Amended		
3/27	2nd Reading Concurred	89	10
3/29	3rd Reading Concurred	87	13

Returned to Senate with Amendments			
4/06	2nd Reading House Amendments Concurred	50	0
4/07	3rd Reading Passed as Amended by House	49	0
4/07	Sent to Enrolling		
4/08	Returned from Enrolling		
4/10	Signed by President		
4/12	Signed by Speaker		
4/12	Transmitted to Governor		
4/20	Signed by Governor		
4/22	Chapter Number Assigned		
	Chapter Number 378		
	Effective Date: 4/20/1999 - Sections 1, 2, 4, 5, 7, 10, 11, 13 and 14		
	Effective Date: 1/01/2000 - Sections 3, 6, 8, 9 and 12		

SB 127 Introduced by Waterman LC0162 Drafter: Heiman

Require a Business Entity That Owns a Liquor License to Obtain Approval from the Department of Revenue Prior to Changing That Business Entity's Ownership;...

By Request of Department of Revenue

12/23	Introduced		
1/04	1st Reading		
1/04	Referred to Taxation		
1/04	Fiscal Note Requested		
1/06	Fiscal Note Received		
1/06	Fiscal Note Signed		
1/07	Fiscal Note Printed		
1/13	Hearing		
1/15	Committee Executive Action--Bill Passed as Amended	7	1
1/15	Committee Report--Bill Passed as Amended		
1/19	2nd Reading Passed	46	2
1/20	3rd Reading Passed	44	6

Transmitted to House

SENATE BILLS AND RESOLUTIONS

2/16	Referred to Business and Labor		
3/09	Hearing		
3/09	Committee Executive Action--Bill Concurred		18
3/11	Committee Report--Bill Concurred		
3/13	2nd Reading Concurred		86
3/15	3rd Reading Concurred		88

Returned to Senate			
3/15	Sent to Enrolling		
3/16	Returned from Enrolling		
3/17	Signed by President		
3/18	Signed by Speaker		
3/19	Transmitted to Governor		
3/23	Signed by Governor		
3/24	Chapter Number Assigned		
	Chapter Number 148		
	Effective Date: 3/23/1999 - All Sections		

SB 128 Introduced by Christiaens LC0356 Drafter: B. Campbe

Make Permanent the Montana Living Trust Act;...

By Request of State Auditor

12/23	Introduced		
1/04	1st Reading		
1/04	Referred to Judiciary		
1/04	Fiscal Note Requested		
1/09	Fiscal Note Received		
1/11	Fiscal Note Signed		
1/11	Fiscal Note Printed		
1/18	Hearing		
1/22	Committee Executive Action--Bill Passed		9
1/23	Committee Report--Bill Passed		
1/26	2nd Reading Passed	48	
1/27	3rd Reading Passed	50	

Transmitted to House			
2/16	Referred to Judiciary		
3/03	Hearing		
3/03	Committee Executive Action--Bill Concurred as Amended	18	2
3/04	Committee Report--Bill Concurred as Amended		
3/12	2nd Reading Concurred	88	11
3/13	3rd Reading Concurred	87	13

Returned to Senate with Amendments			
3/16	2nd Reading House Amendments Concurred	49	0
3/17	3rd Reading Passed as Amended by House	49	0
3/17	Sent to Enrolling		
3/18	Returned from Enrolling		
3/19	Signed by President		
3/20	Signed by Speaker		
3/22	Transmitted to Governor		
3/23	Signed by Governor		
3/24	Chapter Number Assigned		
	Chapter Number 149		
	Effective Date: 3/23/1999 - All Sections		

SENATE BILL NO. 127

INTRODUCED BY WATERMAN M

BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A BUSINESS ENTITY THAT OWNS A LIQUOR LICENSE TO OBTAIN APPROVAL FROM THE DEPARTMENT OF REVENUE PRIOR TO CHANGING THAT BUSINESS ENTITY'S OWNERSHIP; REQUIRING A BUSINESS ENTITY THAT OWNS A LIQUOR LICENSE TO OBTAIN APPROVAL FROM THE DEPARTMENT PRIOR TO CHANGING THE BUSINESS ENTITY; REQUIRING ALL INDIVIDUALS WHO CONTROL THE OPERATION OF A CORPORATE LIQUOR LICENSE TO BE QUALIFIED BY THE DEPARTMENT; AMENDING SECTION 16-4-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Changes in business entity ownership -- department approval required.

(1) In the case of corporate licensees, a person or entity that does not own stock or owns less than 10% of the stock in the corporation may not receive stock that results in the person or entity's share of stock in the corporation being 10% or greater unless the department reviews and determines that the person or entity qualifies for ownership of a liquor license as provided in 16-4-401.

(2) In the case of all other business entities, when a proposed transfer of ownership would result in a party who prior to the transfer owned no interest in the license owning an interest in the license, the proposed transfer must be submitted to the department for review. The proposed new party must qualify for ownership of a liquor license as provided in 16-4-401.

(3) In the case of a proposed change in business entity, the proposed new business entity shall apply for a transfer of ownership of the license with the department prior to changing the business entity. The proposed new business entity must qualify for ownership of a liquor license as provided in 16-4-401.

Section 2. Section 16-4-401, MCA, is amended to read:

"16-4-401. License as privilege -- criteria for decision on application. (1) A license under this code is a privilege which that the state may grant to an applicant and is not a right to which any applicant is

1 entitled.

2 (2) Except as provided in subsection (6), in the case of a license that permits on-premises
3 consumption, the department ~~must~~ shall find in every case in which it makes an order for the issuance
4 of a new license or for the approval of the transfer of a license that:

5 (a) in the case of an individual applicant:

6 (i) the applicant will not possess an ownership interest in more than one establishment licensed
7 under this chapter for all-beverages sales;

8 (ii) the applicant does not possess an ownership interest in an agency liquor store as defined in
9 16-1-106;

10 (iii) the applicant or any member of the applicant's immediate family is without financing from
11 or any affiliation to a manufacturer, importer, bottler, or distributor of alcoholic beverages;

12 (iv) the applicant is a resident of the state and is qualified to vote in a state election;

13 (v) the applicant's past record and present status as a purveyor of alcoholic beverages and as a
14 business person and citizen demonstrate that the applicant is likely to operate the establishment in
15 compliance with all applicable laws of the state and local governments; and

16 (vi) the applicant is not under ~~the age of~~ 19 years of age; and

17 (b) in the case of a corporate applicant:

18 (i) the owners of at least 51% of the outstanding stock meet the requirements of subsection
19 (2)(a)(iv);

20 (ii) each owner of 10% or more of the outstanding stock meets the requirements for an individual
21 applicant listed in subsection (2)(a);

22 (iii) the corporation is authorized to do business in Montana; and

23 (iv) in the case of a corporation not listed on a national stock exchange, each owner of stock
24 meets the requirements of subsections (2)(a)(i) and (2)(a)(ii); and

25 (c) in the case of any other business entity as applicant:

26 (i) if the applicant consists of more than one individual, all must meet the requirements of
27 subsection (2)(a); and

28 (ii) if the applicant consists of more than one corporation, all must meet the requirements of
29 subsection (2)(b).

30 (3) In the case of a license that permits only off-premises consumption, the department ~~must~~ shall

find in every case in which it makes an order for the issuance of a new license or for the approval of the transfer of a license that:

(a) in the case of an individual applicant:

(i) the applicant will not possess an ownership interest in more than one establishment licensed under this chapter for all-beverages sales;

(ii) the applicant does not possess an ownership interest in an agency liquor store as defined in 16-1-106;

(iii) the applicant or any member of the applicant's immediate family is without financing from or any affiliation to a manufacturer, importer, bottler, or distributor of alcoholic beverages;

(iv) the applicant has not been convicted of a felony or, if the applicant has been convicted of a felony, the applicant's rights have been restored;

(v) the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments; and

(vi) the applicant is not under ~~the age of~~ 19 years of age; and

(b) in the case of a corporate applicant:

(i) the owners of at least 51% of the outstanding stock meet the requirements of subsection (3)(a)(iv);

(ii) each owner of 10% or more of the outstanding stock meets the requirements for an individual listed in subsection (3)(a) ~~of this section~~;

(iii) each individual who is authorized to make business decisions or has control over the operation of the license meets the requirements for an individual applicant listed in subsection (2)(a); and

~~iii~~ (iv) the corporation is authorized to do business in Montana; and

(c) in the case of any other business entity as applicant:

(i) if the applicant consists of more than one individual, all must meet the requirements of subsection (3)(a); and

(ii) if the applicant consists of more than one corporation, all must meet the requirements of subsection (3)(b).

(4) In the case of a license that permits the manufacture, importing, or wholesaling of an alcoholic beverage, the department ~~must~~ shall find in every case in which it makes an order for the issuance of a

new license or for the approval of the transfer of a license that:

(a) in the case of an individual applicant:

(i) the applicant has no ownership interest in any establishment licensed under this chapter for retail alcoholic beverages sales;

(ii) the applicant does not possess an ownership interest in an agency liquor store as defined in 16-1-106;

(iii) the applicant has not been convicted of a felony or, if the applicant has been convicted of a felony, rights have been restored;

(iv) the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments;

(v) the applicant is not under ~~the age of~~ 19 years of age; and

(vi) an applicant for a wholesale license is neither a manufacturer of an alcoholic beverage nor is owned or controlled by a manufacturer of an alcoholic beverage; and

(b) in the case of a corporate applicant:

(i) the owners of at least 51% of the outstanding stock meet the requirements of subsection (4)(a)(iii);

(ii) each owner of 10% or more of the outstanding stock meets the requirements for an individual listed in subsection (4)(a) ~~of this section~~;

(iii) an applicant for a wholesale license is neither a manufacturer of an alcoholic beverage nor is owned or controlled by a manufacturer of an alcoholic beverage; and

(iv) the corporation is authorized to do business in Montana; and

(c) in the case of any other business entity as applicant:

(i) if the applicant consists of more than one individual, all must meet the requirements of subsection (4)(a); and

(ii) if the applicant consists of more than one corporation, all must meet the requirements of subsection (4)(b).

(b) In the case of a corporate applicant, the requirements of subsections (2)(b), (3)(b), and (4)(b) apply separately to each class of stock.

(6) The provisions of subsection (2) do not apply to an applicant for or holder of a license

1 pursuant to 16-4-302."

2
3 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
4 integral part of Title 16, chapter 4, part 4, and the provisions of Title 16, chapter 4, part 4, apply to
5 [section 1].

6
7 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

8 - END -

FISCAL NOTE

Bill #: SB0127

Title: Revise liquor license ownership

Primary Sponsor: Mignon Waterman

Status: As introduced

Mignon Waterman 1/7/99
Sponsor signature Date

Dave Lewis 1-6-99
Dave Lewis, Budget Director Date

Fiscal Summary

	<u>FY2000 Difference</u>	<u>FY2001 Difference</u>
Expenditures:	0	0
Revenue:	0	0
Net Impact on General Fund Balance:	0	0

<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>	
	X	Significant Local Gov. Impact		X	Technical Concerns
	X	Included in the Executive Budget		X	Significant Long-Term Impacts

Fiscal Analysis

ASSUMPTIONS:

1. There is no fiscal impact to state government.

SB 127

INDEX TO BILLS IN COMMITTEE

June 30, 1999

- Committee: (S) Taxation -

05:12 PM

-
- SB 127** **SPONSOR:** Waterman, Mignon **SHORT TITLE:** Revise liquor license ownership transfer
 BY REQUEST OF: Department Of Revenue
 REFERRED ON: 01/04/1999 **HEARD ON:** 01/13/1999
 EXECUTIVE ACTION: 01/15/1999 Bill Passed as Amended -- VOTE: 7 - 1
 FINAL DISPOSITION 03/24/1999 Chapter Number Assigned
-
- SB 135** **SPONSOR:** Sprague, Mike **SHORT TITLE:** Eliminate classes of property and tax at market value
 BY REQUEST OF: Interim Property Tax Committee
 REFERRED ON: 01/04/1999 **HEARD ON:** 01/28/1999
 FINAL DISPOSITION 03/31/1999 (S) Missed Deadline for Revenue Bill Transmittal
-
- SB 143** **SPONSOR:** Sprague, Mike **SHORT TITLE:** Establishing a 4% statewide, general retail sale and use tax
 BY REQUEST OF: Interim Property Tax Committee
 REFERRED ON: 01/04/1999 **HEARD ON:** 01/28/1999
 FINAL DISPOSITION 03/31/1999 (S) Missed Deadline for Revenue Bill Transmittal
-
- SB 144** **SPONSOR:** Mahlum, Dale **SHORT TITLE:** State agency ownership of liquor license
 BY REQUEST OF: Department Of Revenue
 REFERRED ON: 01/04/1999
 FINAL DISPOSITION 03/31/1999 (S) Missed Deadline for Revenue Bill Transmittal
-
- SB 146** **SPONSOR:** Ellis, Alvin **SHORT TITLE:** Implement acquisition value for property tax
 BY REQUEST OF: Interim Property Tax Committee
 REFERRED ON: 01/04/1999 **HEARD ON:** 02/01/1999
 FINAL DISPOSITION 03/31/1999 (S) Missed Deadline for Revenue Bill Transmittal
-
- SB 157** **SPONSOR:** Sprague, Mike **SHORT TITLE:** Generally revise taxation
 REFERRED ON: 01/07/1999 **HEARD ON:** 01/28/1999
 FINAL DISPOSITION 03/31/1999 (S) Missed Deadline for Revenue Bill Transmittal
-
- SB 159** **SPONSOR:** Devlin, Gerry **SHORT TITLE:** Discount for certain tax payment methods
 REFERRED ON: 01/07/1999 **HEARD ON:** 01/19/1999
 EXECUTIVE ACTION: 01/22/1999 Bill Passed as Amended -- VOTE: 6 - 3
 FINAL DISPOSITION 04/22/1999 (H) Died in Standing Committee
-

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN GERRY DEVLIN**, on January 13, 1999 at 8:00 A.M., in Room 413/415 Capitol.

ROLL CALL

Members Present:

Sen. Gerry Devlin, Chairman (R)
Sen. Bob DePratu, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Dorothy Eck (D)
Sen. E. P. "Pete" Ekegren (R)
Sen. Jon Ellingson (D)
Sen. Alvin Ellis Jr. (R)
Sen. Bill Glaser (R)
Sen. Barry "Spook" Stang (D)

Members Excused: None

Members Absent: None

Staff Present: Sandy Barnes, Committee Secretary
Lee Heiman, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 127, 1/8/1999; SB 49,
1/8/1999
Executive Action: SB 88; SB 61

HEARING ON SB 127

Sponsor: SENATOR MIGNON WATERMAN, SD 26, HELENA

Proponents: Neil Peterson, Department of Revenue
Kati Kintli, Montana Tavern Association
Rich Miller, Gaming Industry Association

Opponents: None

Opening Statement by Sponsor:

SENATOR MIGNON WATERMAN, SD 26, Helena, introduced SB 127 as a simple bill which clarifies existing practice as to who has control over the day-to-day functions of a corporation or entity owning an alcohol beverage license. This legislation ensures that all individuals who have control over the business decisions of licensed liquor entities are qualified to do so. The bill also ensures Department of Revenue approval when a licensed business entity changes its corporate form.

Proponents' Testimony:

Neil Peterson, Process Lead of the Customer Service Center, Department of Revenue, which includes the liquor licensing function, said that this legislation will provide clearer direction to individuals seeking an ownership interest in licensed liquor establishments regardless of their choice of business entity. He distributed a handout which illustrated the current criteria required by an individual applicant requesting an on-premise consumption license, the criteria required by each individual shareholder that becomes an owner of 10% or more of the corporation's outstanding stock, the criteria required by an individual that acquires an interest in a licensed establishment other than a corporation, and Department approval as required prior to a change in the business entity, EXHIBIT(1).

Mr. Peterson said that SB 127 will clarify confusion regarding the qualification process necessary when making changes in corporate ownership.

Mr. Peterson also introduced an amendment which corrects a drafting error. One section was put in the off-premise part of Section 16-1-401, and it should have been in the on-premise part, Section 16-4-401, EXHIBIT(2).

Kati Kintli, Montana Tavern Association, testified in support of this legislation. The bill does clarify existing law and existing practice with the Montana Department of Revenue Licensing Bureau. She said that the Tavern Association does have a concern with the proposed amendment by the Department of Revenue regarding individuals who make business decisions or have control over the operation of the license. They must meet the requirements for an individual applicant listed in Section 2(a). That would mean that anybody, including perhaps a manager or a director or an officer, would have to qualify. The Association feels that that is too broad and too sweeping and would like to

work with the Department and **SEN. WATERMAN** to perhaps clarify that language regarding individuals who make business decisions.

Rich Miller, Gaming Industry Association, said that his association concurs with the Tavern Association in that they support the legislation but also feel that the language needs to be clarified as to individuals who make business decisions.

Opponents' Testimony: None

Questions from the Committee and Responses:

SEN. ELLIS asked **SEN. WATERMAN** whether the concerns of the Montana Tavern Association and the Gaming Industry Association were justified and seemed to be something that could be worked out, and **SEN. WATERMAN** replied that it is something that can be worked out and clarified.

SEN. STANG asked **Mr. Peterson** how long the process would take when a business changes ownership. **Mr. Peterson** replied that anytime you have a change of ownership of a liquor license, there are some statutory timelines that drag it out a little bit longer. Most of the time the Department can get everything done in about four to five months.

SEN. STANG asked why, for just the transfer of a liquor license, the Department of Justice has to do an investigation if there is no gaming involved. **Mr. Peterson** responded that the statute requires that a thorough investigation be done and the Department of Revenue contracts with the Department of Justice to do that investigation.

CHAIRMAN DEVLIN asked what costs were involved in a transfer, and **Mr. Peterson** said the costs associated with this is \$100.

SEN. ELLINGSON said he understands that there is an open understanding that even though the Department rules and statutes prohibit more than one license per individual, that there are ways that individuals have manipulated the situation to obtain ownership interests in more than one license. He asked **Mr. Peterson** if the proposed legislation says that one shareholder who has a 10% ownership interest in one business entity would be able to own 10% in another business entity that also owns a license, or if they are limited to just one 10% ownership interest. **Mr. Peterson** replied that a person cannot have more than 10% ownership in an all-beverage license and will have to meet all the requirements of an individual for ownership. There is not a prohibition against having an ownership in more than one beer and wine license.

Closing by Sponsor:

SEN. WATERMAN reiterated that these changes will provide clear direction in the case of individuals who have an ownership or wish to have an ownership interest in a liquor license, and she urged passage of this bill.

HEARING ON SB 49

Sponsor: SENATOR CHARLES "CHUCK" SWYSGOOD, SD 17, DILLON

Proponents: Ray Beck, Department of Natural Resources and Conservation
John Tubbs, Department of Natural Resources and Conservation
Bill Leonard, Midwest Assistance Program, Department of Natural Resources and Conservation
Gloria Paladichuk, Richland Economic Development
Alan Rollo, Teton Watershed Projects
Mike Volesky, Montana Association of Conservation Districts
Lucy Hansen-Galles, Montana Rural Water Systems Inc.
Tom Patten, Montana Association of Mines and Geology
Dennis Burr, Montana Taxpayers Association

Opponents: Gail Abercrombie, Montana Petroleum Association
Jerome Anderson, Shell Oil Company

Opening Statement by Sponsor:

SEN. CHUCK SWYSGOOD, SD 17, Dillon, introduced SB 49 as an act changing the allocation of the resource indemnity trust and groundwater tax proceeds and of the metal mines tax proceeds and changing the distribution of the interest earnings from the RIT. He said this bill is meant to provide some stability to the allocation and to eliminate significant ending fund shortages which have been backfilled with General Fund monies. The RIT revenues are not meant to fund agency budgets and administrative expenses for two reasons: 1) RIT revenues have not grown over the past three bienniums and agency budgets have. Thus, the RIT cannot continue to support those growing budgets, and this has led to the negative fund balance and General Fund backfill. 2) The RIT was never meant to fund general government. It was intended to cover cleanup and mitigation as it relates to our natural resource removal.

SEN. GLASER said that he had a problem with the fact that oil and gas money is being funneled into communities that refuse to support the oil and gas industry, and that distribution is changing. More money is coming to areas that won't support the industry. He said that is his complaint with the bill and he feels that that is the complaint that the oil and gas people have also. **CHAIRMAN DEVLIN** said that there is merit to what **SEN. GLASER** said, but that this committee is not charged with where the distribution of money goes. That is Finance and Claims and comes out in the big bill. He said that this is not a tax bill but a distribution bill.

SEN. STANG asked if Taxation could refer it to the committee that the other bill is in so they could be together. **SEN. GLASER** commented that Natural Resources is probably less prepared to talk about this issue than Taxation. He suggested that Taxation could pass it on to the floor and let them handle what happens to it.

SEN. BOHLINGER said he had some concerns about where the groundwater assessment program would be funded if it doesn't come from this source of revenue. He said he understands that the funding is provided by the oil and gas industry, but wondered where the groundwater assessment program would be if not here. **SEN. EKEGREN** said there is also a matter of fairness involved, and he feels that perhaps we are not being fair to the gas and oil people.

CHAIRMAN DEVLIN said he did not feel comfortable with advancing beyond where we're at right now. He didn't feel the committee would do justice by killing this bill or tabling it. He said he thinks the bill is necessary for the completion of the grants and loans for reclamation. He said that he plans to take this bill to wherever it is that they can understand all the ramifications of how the monies are distributed. He said we are not really changing the tax and a distribution such as this belongs out of this committee.

Motion/Vote: **SEN. ECK** moved SB 49 AS AMENDED DO PASS. Motion carried 5-3 with Ekegren, Ellingson and Glaser voting no (Roll call vote #1).

EXECUTIVE ACTION ON SB 127

Mr. Heiman explained that at the time of the hearing, the Department of Revenue passed out a set of amendments that were housekeeping. He said the Montana Tavern Association testified against that part that said each individual who is authorized to make business decisions had to be licensed. The Department and

the Tavern Owners got together and created this set of amendments that they both agreed upon. Now, instead of the language "make business decisions," they now have "each individual who has control over the operation of the license or shares the profits or liabilities of the license meets the requirements for an individual applicant."

Motion: SEN. DEPRATU moved AMENDMENT SB012701.ALH, EXHIBIT(3).

Discussion:

SEN. GLASER asked if these amendments were agreed to by the Department and Mark Staples, and Mr. Heiman said that was correct.

Vote: Motion carried 8-0.

Motion/Vote: SEN. GLASER moved SB 127 AS AMENDED DO PASS. Motion passed 7-1 with Stang voting no.

INDEX TO BILLS IN COMMITTEE

June 30, 1999

- Committee: (H) Business and Labor -

01:05 PM

-
- SB 127** SPONSOR: Waterman, Mignon SHORT TITLE: Revise liquor license ownership transfer
BY REQUEST OF: Department Of Revenue
REFERRED ON: 02/16/1999 HEARD ON: 03/09/1999
EXECUTIVE ACTION: 03/09/1999 Bill Concurred -- VOTE: 18 - 0
FINAL DISPOSITION 03/24/1999 Chapter Number Assigned
-
- SB 130** SPONSOR: Hertel, John SHORT TITLE: Submit certain insurance fee changes to electorate
BY REQUEST OF: State Auditor
REFERRED ON: 03/02/1999 HEARD ON: 03/15/1999
TABLED ON: 03/15/1999
FINAL DISPOSITION 04/22/1999 (H) Died in Standing Committee
-
- SB 131** SPONSOR: Swysgood, Chuck SHORT TITLE: Revise laws governing community service
BY REQUEST OF: Department Of Labor And Industry
REFERRED ON: 02/17/1999 HEARD ON: 03/11/1999
EXECUTIVE ACTION: 03/11/1999 Bill Concurred -- VOTE: 17 - 1
FINAL DISPOSITION 03/24/1999 Chapter Number Assigned
-
- SB 132** SPONSOR: Hertel, John SHORT TITLE: Generally revise insurance fees
BY REQUEST OF: State Auditor
REFERRED ON: 03/02/1999 HEARD ON: 03/15/1999
EXECUTIVE ACTION: 03/22/1999 Bill Concurred as Amended -- VOTE: 17 - 1
FINAL DISPOSITION 04/16/1999 Chapter Number Assigned
-
- SB 162** SPONSOR: Crismore, William SHORT TITLE: Expand permissible banking activities
REFERRED ON: 02/16/1999 HEARD ON: 03/05/1999
EXECUTIVE ACTION: 03/05/1999 Bill Concurred -- VOTE: 15 - 0
FINAL DISPOSITION 03/19/1999 Chapter Number Assigned
-
- SB 169** SPONSOR: Taylor, Mike SHORT TITLE: Revise laws governing venture capital companies
BY REQUEST OF: Joint Select Committee On Jobs And Income
REFERRED ON: 02/16/1999 HEARD ON: 03/09/1999
EXECUTIVE ACTION: 03/12/1999 Bill Concurred as Amended -- VOTE: 18 - 0
FINAL DISPOSITION 04/22/1999 Chapter Number Assigned
-

HEARING ON SB 227

Opening Statement by Sponsor: Senator Hertel introduced SB 227
{Tape : 1; Side : A; Approx. Time Counter : 0 - 52}

Proponents' Testimony: Mike Strand, MT Ind. Telephone Co.
EXHIBIT(1)

{Tape : 1; Side : A; Approx. Time Counter : 52 - 64}

Nancy McCaffrey, PSC

{Tape : 1; Side : A; Approx. Time Counter : 64 - 70}

Jeff Pyfer, MT Tele Assn.

{Tape : 1; Side : A; Approx. Time Counter : 70 - 87}

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: Senator Hertel closed.

{Tape : 1; Side : A; Approx. Time Counter : 87 - 106}

HEARING ON SB 127

Opening Statement by Sponsor: Senator Waterman introduced SB 127
{Tape : 1; Side : A; Approx. Time Counter : 106 - 120}

Proponents' Testimony: Neal Peterson, Liquor Lic, Dept of
Revenue EXHIBIT(2)

{Tape : 1; Side : A; Approx. Time Counter : 120 - 175}

Kati Kentyl, Montana Tavern Assn

{Tape : 1; Side : A; Approx. Time Counter : 175 - 181}

Rich Miller, Gaming Ind.

{Tape : 1; Side : A; Approx. Time Counter : 181 - 191}

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: Senator Waterman closed.

{Tape : 1; Side : A; Approx. Time Counter : 191 - 213}

Opponents' Testimony: Frank Cote, State Auditor Office EXHIBIT(7)
{Tape : 2; Side : B; Approx. Time Counter : 249 - 311}

Rebecca Moe, MT womens lobby.

{Tape : 2; Side : B; Approx. Time Counter : 311 - 342}

Christine Kaufman, Human Rights Network

{Tape : 2; Side : B; Approx. Time Counter : 342 - 399}

Wendy Young, WEEL

{Tape : 2; Side : B; Approx. Time Counter : 399 - 422}

Kate Choleva,

{Tape : 2; Side : B; Approx. Time Counter : 422 - 464}

Al Smith, MT Trial Lawyers EXHIBIT(8)

{Tape : 2; Side : B; Approx. Time Counter : 464 - 500}

Glenda Tinsley, Am. Assn of Universities

{Tape : 3; Side : A; Approx. Time Counter : 0 - 49}

Questions from Committee Members and Responses: Rep. Pavlovich, Masolo, Krenzler, Stovall, Lawson, Tuss and Simon question witnesses.

{Tape : 3; Side : A; Approx. Time Counter : 49 - 312}

Closing by Sponsor: Sen. Holden closed.

{Tape : 3; Side : A; Approx. Time Counter : 312 - 325}

EXECUTIVE ACTION ON SB 127

Motion/Vote: REP. PAVLOVICH moved that SB 127 BE CONCURRED IN.
Motion carried unanimously.

{Tape : 3; Side : A; Approx. Time Counter : 325 - 386}

EXECUTIVE ACTION ON SB 227

Motion/Vote: REP. BITNEY moved that SB 227 BE CONCURRED IN.
Motion carried unanimously.

{Tape : 3; Side : A; Approx. Time Counter : 386 - 400}

EXECUTIVE ACTION ON SB 67